

Notice of Allowability

Application No.

10/045,397

Examiner

Philip B. Tran

Applicant(s)

HASEGAWA, YUTAKA

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/31/2006.
2. ☒ The allowed claim(s) is/are 1-13.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☒ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date attached.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Philip Tran
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Stobbs (Reg. No. 28,764), the undersigned, on October 24, 2006 and on October 30, 2006.

The application has been amended as follows:

IN THE CLAIMS:

Claims 1 and 7-9 have been amended.

Amend claim 1 as follows:

1. (Currently Amended) An apparatus for appending an advertisement to a music card, comprising:

a storage device that stores a plurality of image data, a plurality of music data, and a plurality of advertisement data, respectively for creating the music card;

a receiver that receives a request from a card sender via a network;

a card creating device that creates, in accordance with the request, the music card by selecting an image data and a music data from the plurality of image data and the plurality of music data stored in said storage device, said card creating device

having interface accessible by an advertiser and operable to allow the advertiser to designate music data, image data, or both with which advertisement data is selectively added;

an advertisement appending device that appends at least one advertisement data among the plurality of advertisement data stored in said storage device to the music card, if either the selected image data or music data is fee-charged; and

a transmitter that transmits the music card free of charge by appending appended the advertisement data to a card and transmitting said card to a card receiver via the network,

the advertisement appending device being sequentially operative to ~~selectively~~:

- (a) list up advertisers selectively corresponding to image data or music data;
- (b) list up advertisers corresponding to keyword data;
- (c) list up advertisers that have not registered particular contents;
- (d) attach a default advertisement image when there is no advertiser associated with the card; and
- (e) select an advertisement image based on selection by card sender.

Amend claim 7 as follows:

7. (Currently Amended) An apparatus for appending an advertisement to a music card, comprising:

storage means for storing a plurality of image data, a plurality of music data, and a plurality of advertisement data, respectively for creating the music card;

receiving means for receiving a request from a card sender via a network;

card creating means for creating, in accordance with the request, the music card by selecting an image data and a music data from the plurality of image data and the plurality of music data stored in said storage means, said card creating means having interface accessible by an advertiser and operable to allow the advertiser to designate music data, image data, or both with which advertisement data maybe is selectively added;

advertisement appending means for appending at least one advertisement data among the plurality of advertisement data stored in said storage means to the music card, if either the selected image data or music data is fee-charged; and

transmitting means for transmitting the music card free of charge by appending the advertisement data to a card and transmitting said card to a card receiver via the network,

the advertisement appending means being sequentially operative to ~~selectively~~:

- (a) list up advertisers selectively corresponding to image data or music data;
- (b) list up advertisers corresponding to keyword data;
- (c) list up advertisers that have not registered particular contents;
- (d) attach a default advertisement image when there is no advertiser associated with the card; and
- (e) select an advertisement image based on selection by card sender.

Amend claim 8 as follows:

8. (Currently Amended) A method for appending an advertisement to a music card by a network server having storage means for storing a plurality of image data, a plurality of music data, and a plurality of advertisement data, respectively for creating the music card, the method comprising the steps of [[:]] :

(a) receiving a request from a card sender via a network;

(b) creating, in accordance with the request, the music card by selecting an image data and a music data from the plurality of image data and the plurality of music data stored in said storage means, at least one of the plurality of music data and the plurality of image data being designated by an advertiser;

(c) appending at least one advertisement data among the plurality of advertisement data stored in said storage means to the music card, if either the selected image data or music data is fee-charged; and

(d) transmitting the music card free of charge by appending the advertisement data to a card and transmitting said card to a card receiver via the network,

wherein said appending step includes a sequence of selectively:

(a) listing up advertisers selectively corresponding to image data or music data;

(b) listing up advertisers corresponding to keyword data;

(c) listing up advertisers that have not registered particular contents;

(d) attaching a default advertisement image when there is no advertiser associated with the card; and

(e) selecting an advertisement image based on selection by card sender.

Amend claim 9 as follows:

9. (Currently Amended) A storage medium storing a program, which a computer executes to realize a process for appending an advertisement to a music card by a network server having storage means for storing a plurality of image data, a plurality of music data, and a plurality of advertisement data, respectively for creating the music card, the process comprising the instructions of [[:]] :

(a) receiving a request from a card sender via a network;

(b) creating, in accordance with the request, the music card by selecting an image data and a music data from the plurality of image data and the plurality of music data stored in said storage means at least one of the plurality of music data and the plurality of image data being designated by an advertiser;

(c) appending at least one advertisement data among the plurality of advertisement data stored in said storage means to the music card, if either the selected image data or music data is fee-charged; and

(d) transmitting the music card free of charge by appending the advertisement data to a card and transmitting said card to a card receiver via the network,

wherein said appending step includes a sequence of ~~selectively~~:

(a) listing up advertisers selectively corresponding to image data or music data;

(b) listing up advertisers corresponding to keyword data;

(c) listing up advertisers that have not registered particular contents;

(d) attaching a default advertisement image when there is no advertiser associated with the card; **and**

(e) selecting an advertisement image based on selection by card sender.

REASONS FOR ALLOWANCE

3. Claims 1-13 are allowable over the prior art of record.
4. This communication warrants no examiner's reason for allowance, as applicant's reply makes evident the reason for allowance, satisfying the record as whole as required by rule 37 CFR 1.104 (e). In this case, the substance of applicant's remarks in the Amendment filed on 31 August 2006 with respect to the amended claim limitations and further amended claim limitations in the Examiner's Amendment filed on 30 October 2006 point out the reason claims are patentable over the prior art of record. Thus, the reason for allowance is in all probability evident from the record and no statement for examiner's reason for allowance is necessary (see MPEP 13202.14).
5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip B. Tran whose telephone number is (571) 272-3991. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Philip B. Tran
Primary Examiner
Art Unit 2155
October 30, 2006